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10/595,463	01/23/2007	James Cameron Taylor	014574-000019	1093
28289 7590 12/11/2008 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER NGUYEN, JIMMY T				
ART UNIT		PAPER NUMBER		
3725				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,463

Applicant(s)

TAYLOR ET AL.

Examiner

JIMMY T. NGUYEN

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/8/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-37 and 39-58 is/are rejected.
- 7) ☒ Claim(s) 12, 13 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on September 08, 2008 has been entered and considered and an action on the merits follows.

Specification

The proposed amendment filed on September 08, 2008 has been acknowledged and approved. The amendment sufficiently overcomes the disclosure informalities noted in the previous office action.

Claim Objections

Claims 37 and 39 are objected to under 37 CFR 1.75(c) as being in improper form because they are multiple dependent claims that depend on a multiple dependent claim. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding lines 1-2 of claims 1 and 40, the original specification does not provide support for the limitation, “for use *in* an office”. The specification merely discloses, “.. on site baling of such shredded output ...” (page 1, line 18), this statement does not specific indicate that the “on site” location is *in* the office and the “on site” location could be anywhere, it could be on a farm, in the warehouse,..etc.. The specification only discloses the paper waste are shredded in the office (page 1, lines 14-15), but nowhere in the original specification discloses that the baler is for use *in* the office. Therefore, this limitation constitutes new matter.

Regarding claim 40, line 2, the original specification does not provide support for the limitation, “paperwork”. Since claim 40 is a method claim, a full patentable weight is given an intended use limitation. The original disclosure discloses that the baling material is paper waste (see page 1 of the specification), not paper work. There is a big difference between paper waste and paperwork. Therefore, such limitation is new matter, and for the purpose of examination, such amended limitation is not considered on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 35-37, 39, 40-49, 52-58, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Pentith (US 4,262,478).

Regarding claims 1, 2, 35-37, 39-40, 43, and 53, Pentith discloses a baling apparatus and a method of baling material comprising first and second mutually opposed and inclined conveyors (19 and 24), each of the conveyor having a first end and a second end (fig. 1), the second ends being arranged to be spaced apart to form a material entry region into which material to be baled is, in use, deposited (fig. 2), the first ends being relatively closely adjacent to each other (fig. 2), and the apparatus being arranged such that material deposited into the entry region moves toward a pinch region (fig. 2) where the two conveyors are closed to one another (fig. 2) and where the deposited material is rolled and compressed into a bale (fig. 2), the conveyors being driven in opposite directions (fig. 2) to roll and compact the material between them, and the conveyors being mutually displaceable (figs. 2-3) at least at the second ends thereof which form the material entry region to accommodate increased bale bulk and relyantly biased (22, 27) toward one another. Each of the conveyors comprises a plurality of rollers (fig. 2) which extends a continuous belt (fig. 2). The conveyors is provided in a V formation (fig. 2), the first ends forming a base of the V, and the second ends forming the top of the V (fig. 2). The conveyors being arranged so as to bow outwardly as the circumference of baled material held between them increases (figs. 2, 3), means are provided for gathering (10) material falling outside of the entry region. A bale wrapping mechanism (32). Pentith discloses the baling apparatus in the structural arrangement as claimed as set forth above; therefore, the baling apparatus is capable of compact paper waste.

Regarding claim 3, each conveyor comprises at least a pair of end rollers (fig. 2), defining outer limits of the conveyor (fig. 2) and at least one intermediate roller (see the upper roller of the conveyor (19, 24)). Note that the claim does not define that the intermediate roller is a different roller from the end roller and it does not recite that the intermediate roller is located between the end rollers; therefore, the Examiner broadly interprets that the upper roller of each of the conveyors is an intermediate roller in the baler because they are positioned between top rollers of the conveyor (16) and their respective bottom rollers.

Regarding claims 41, 42, 44, and 45, material deposited is moved from a relatively wide entry region (fig. 2) to the narrow pinch region where the material is compacted and rolled (fig. 2), the movement from the wide entry region to the narrower compaction region maybe under friction pressure (i.e. friction pressure from the surface of the conveyors), wherein as more material is deposited, the pinch region is arranged to expand against the action of the resilient biasing to compress material within the pinch region (figs. 2, 3) and the entry region is arranged to expand (fig. 3) to allow entry of more material.

Regarding claims 4-6, 46 and 47, in figure 3, Pentith discloses the first conveyor (19) is driven directly by a drive element (figs. 2, 3), and the second conveyor does not have a drive element connected directly thereto. Therefore, the first conveyor is inherently running faster than the second conveyor and the belt of the first conveyor runs in a direction to urge material from the entry region toward the pinch region (fig. 2).

Regarding claim 48, wherein in an initial state, at least one pair of opposed rollers (figs. 1, 2) of the two conveyors (19, 24) have central axes which are vertically displaced from one

another (figs. 1, 2), and are separated horizontally from each other by a horizontal distance which is less than a sum of the radii of the respective two rollers (fig. 2).

Regarding claim 49, the opposed rollers in question comprise rollers at a first end of the conveyors (fig. 2).

Regarding claim 52, in an initial state, at least one pair of opposed rollers of the two conveyors have central axes which are vertically displaced from one another (figs. 1-2), and are separated horizontally from each other by a horizontal distance which is less than a sum of the radii of the respective two rollers (fig. 2).

Regarding claim 54, means are provided for wrapping baled material (32) following a compaction operation.

Regarding claim 55, wherein removal of compacted material may be carried out following the end of a baling operation by spreading second ends of the conveyors (fig. 4).

Regarding claim 56, wherein spreading comprises disengaging at least one second end from associated resilient biasing means to allow said at least one second end to be freely moved away from the second end of the other conveyor (fig. 4).

Regarding claim 57, wherein spreading comprises disengaging an associated resilient biasing means from a fixed chassis mounting point to allow both the resilient biasing means and the associated second end of conveyor to move (fig. 4).

Regarding claim 58, wherein spreading comprises pivoting one conveyor away from the other (fig. 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-11, 14-34, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentith in view of Groeneveld et al (hereinafter “Groe”) (US 4,549,481).

Regarding claims 3-6, 28-34, and 50-51, in the event that claim 3 is meant to recite that the intermediate roller is part of the conveyor and the intermediate roller is located between the end rollers, the following rejections can be applied.

Pentith discloses the invention substantially as claimed as set forth above except for an intermediate roller between the end rollers of each of the conveyors. However, the patent to Groe, teaches that it is old and well known to provide a baler with a type of conveyor having at least one intermediate roller (26) between end rollers (22 and 28). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the conveyors of Pentith with the type of conveyor (i.e. having at least one intermediate roller between end rollers) as taught by Groe, since such type of conveyor is old and well known in the baling art and such conveyor would provide more support on a balc, thus improving a baling operation.

Regarding claims 7-11, 14-18, Pentith, as modified by Groe, discloses the conveyors, each having the intermediate roller as set forth above. Therefore, the intermediate rollers and the rollers at the second end are biased by resilient biasing means (22, 27) such that they (i.e. the

rollers at the first end) may travel along fixed path guides by guide means (figs. 2 and 3) as more material is deposited into the entry region (figs. 2 and 3).

Regarding claims 19-24, Pentith discloses movement of the first conveyor away from the second conveyor at the second end (fig. 4).

Regarding claims 25-27, Pentith, as modified by Groc as set forth above, discloses two intermediate rollers (24 and 26).

Allowable Subject Matter

Claims 12-13 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed September 08, 2008 have been fully considered but they are not persuasive.

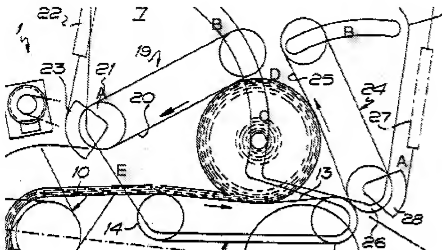
Applicants argued that Pentith fails to disclose the baling apparatus is for use in an office to compact paperwork. This argument has been considered. However, the original specification does not provide support for such specific limitation. As to the apparatus claim 1, Pentith discloses the baling structure as claimed as set forth above; and therefore his baler is capable of for using in an office (i.e. a warehouse on a farm using as an office for processing paperwork related to farming) and it is capable of baling shredded paper waste.

Applicants further argued that the conveyor 19 is not mutually opposed to the conveyor 24, this argument is not found persuasive because figure 3 shows the conveyor 19 is mutually opposed to the conveyor 2 and inclined (fig. 2).

Applicants argued that Pentith does not disclose a material entry region that is mutually displaceable to accommodate increased bale bulk in use (see page 6 of the Applicants' remarks). This argument has been considered. However, claim 1 does not require the material entry region that is mutually displaceable. Additionally, it is unclear how can the entry region be displaced.

Applicants further argued that Pentith fails to disclose "the conveyors mutually displaceable at least at the second ends thereof which form the material entry region to accommodate increased bale bulk in use" and "resiliently biasing the conveyors toward one another at a material entry region to accommodate increased bale bulk in use" (claim 40) because Pentith discloses the material entry point of the baling apparatus is between the first conveyor 19 in the fixed position 12. This argument has been considered. However, since the claims do not specifically define the structural arrangement of the entry region and the claim 1 does not require that the material is entered *through* the entry region, but merely recites the material is deposited *into* the entry region (see claim 1, lines 4-5), the Examiner submits that Pentith discloses the claimed language based on the following interpretation (also see the illustration below for support): "each of the conveyors having a first end (see "A" in the illustration below) and a second end (see "B" in the illustration below), the second ends being arranged to be spaced apart to form a material entry region (see "C" in the illustration below) (the Examiner defines the recitation "a material entry region" as a region for material to enter from an entry (see (E) below) between rollers (14 and 21) (see fig. 2)) into which material to be baled is, in use,

deposited, ... a pinch region (see "D" in the illustration below), the conveyors being mutually displaceable at least at the second ends thereof which form the material entry region (see figs. 2 and 3). The conveyors resiliently biased towards one another by springs (22 and 27).



Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JIMMY T. NGUYEN whose telephone number is (571)272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Fri. 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272- 4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
December 08, 2008

/Jimmy T Nguyen/
Primary Examiner, Art Unit 3725

